

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:11-CV-662-D

POLYZEN, INC.,)
Plaintiff,)
v.)
RADIADYNE, LLC,)
Defendant.)

ORDER

On April 22, June 6, and June 28, 2013, Polyzen, Inc. moved to seal several exhibits and Polyzen's memorandum supporting its motion for preliminary injunction [D.E. 52, 70, 75]. On April 18, June 4, and July 15, 2013, RadiaDyne, LLC moved to seal several exhibits and memoranda supporting its motion for partial summary judgment [D.E. 48, 67, 77]. The motions to seal were filed in accordance with the court's protective order [D.E. 40], and the parties have identified the interests that would be served by restricting public access to those documents that are sufficiently compelling to overcome the common law and First Amendment presumption to access. No less restrictive alternative to sealing exists, and the public has had adequate notice. Accordingly, the court grants the motions to seal.

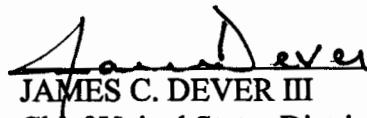
On April 18, 2013, RadiaDyne filed a motion to compel Polyzen to comply with the court's protective order [D.E. 45]. RadiaDyne asks the court to order Polyzen to withdraw documents that Polyzen filed in Polyzen, Inc. v. Dielectrics, Inc., No. 5:13-CV-226 (E.D.N.C.). The motion appears to be moot because Polyzen has withdrawn the offending submissions. See Polyzen, No. 5:13-CV-226 (E.D.N.C.) [D.E. 33]. Accordingly, the motion is denied without prejudice.

In sum, the parties' motions to seal [D.E. 48, 52, 67, 70, 75, 77] are GRANTED.

RadiaDyne's motion to compel [D.E. 45] is DENIED WITHOUT PREJUDICE.

The court will hold oral argument at 9:00 a.m. on Wednesday, October 30, 2013, in courtroom one of the Terry Sanford Federal Building, 310 New Bern Avenue, Raleigh, North Carolina, concerning Polyzen's motion to consolidate. The claims construction hearing will take place at 10:00 a.m. Following the claims construction hearing, the court will hear oral argument concerning Polyzen's motion to amend and motion for preliminary injunction and RadiaDyne's motion for partial summary judgment regarding inventorship.

SO ORDERED. This 21 day of October 2013.



JAMES C. DEVER III
Chief United States District Judge